Exhibit A

Pour 8871

12 Describe the purpose of the organization

Political Organization Notice of Section 527 Status

CASE No. 1545-160

General Information	
1 Manue of organization Egonomic Proodom Pand	Employer identification municer 20 - 5302111
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7) 7n Name of contact person	76 Contact person's address
Charles H. Bell, Jr.	455 Capitol Mail, Suite 801 Succession, CA 95814
8 Business address of organization (If different fr 455 Capitol Mail, Solio 801	om melling address shows above). Number, street, and recom or suite stumber
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11 Is this organization claiming encouption from (or local officials? Yes → No ∠	filing Form 990 (or 990-EZ), Return of Organization Exampt from Income Tax, as a castes or associations of stat
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Sign iere	Charles H. Bell, Jr. Name of authorize	d official		Date

Exhibit B



New 527 Group Debuts Ad Attacking Mollohan

September 5, 2006

The ad attacking Mollohan is being funded by the Economic Freedom Fund, which is based in Sacramento, Calif., at the law offices of Charles Bell, the general counsel to the California Republican Party. The group registered with the Internal Revenue Service on Aug. 1.

"News reports say federal prosecutors have opened an investigation of Alan Mollohan's finances," an announcer says in the spot. The ad also charges that Mollohan received campaign money from people who benefited from legislation he promoted.

The ad ends with these words: "To be continued."

Moliohan has denied any wrongdoing. He faces state Del. Chris Wakim (R) in November.

Meanwhile, Moliohan's campaign began running an ad attacking Wakim's controversial past association with "gray" video poker machines, which are now lilegal in the state.

"Republican Chris Wakim won't come clean about his illegal gambling machines," the ad's announcer says, while Wakim is shown in front of video poker terminals.

Wakim, a bar owner, admitted in 2001 that he paid out winnings on the 16 gray machines he operated, even though they were for amusement only and and payouts were illegal.

The state outlawed the gray machines altogether in 2002.

A spokesman for Wakim told the Charleston Daily Mail last week that Wakim's practice of paying customers what they had won was then common at establishments across the state.

- Lauren W. Whittington

Copyright 2006 @ Roll Call Inc. All rights recorved.

Exhibit C

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# 4 HOUR NOTICE OF DISBURSEMENTS/OBLIGATIONS FOR LECTIONEERING COMMUNICATIONS

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Custodian of Records (a) Name	
Charles H. Ball, Jr.	
Sri Address (number and street) 450 Capital Mail, Buile 801	
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# 4 HOUR NOTICE OF DISBURSEMENTS/OBLIGATIONS FOR LECTIONEERING COMMUNICATIONS

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## 4 HOUR NOTICE OF DISBURSEMENTS/OBLIGATIONS FOR LECTIONEERING COMMUNICATIONS

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PAGE VII <u>oburaamentia) Made or Obligations</u> R. Pul Name Cast. Pint. Middle Inthib of Payer Date of Districtment or Obligation Markilen Pacific, Inc. 27 ' 2006 Maline Address of Payer **825** University Avenue Arrest Œ Zb Cods **BENE.77** CA **TEM** Communication Date 2006 Name of Errolest n H Ob Transchim ID: BRF85.000005 Purpage of Distursement decising tiles) of communications(s) **Television Production - Just The Facts** Name of Federal Catalidate Cisbursument/Obligation For: 2008 Office Bought: W x House Alan Malahan x General Primary Serete Charles: 01 LO 1794,000000 **President** Other (speedly) ----Marne of Federal Candidate Office Bought Clobusonsont/Oblantien For: Harme State Parter General (3) **Annie** Chaptet: ব **President** Other (specify) ..... Name of Federal Candidate Office Sought: Disbursement/Obligation For: House Senate ঘ General Primary Problem 0 Other (specify) -----By I've Harne (Leat, Pirat, Matter tritle) of Payee Date of Diabursoment or Obligation Meriden Parille, Inc. 27 2006 **2**0° Maling Address of Payer 925 University Avenue Amount 8 Zb Code **PET7.03 Ebergmento** CA 25214 Communication Date Decupation Name of Employer 23 2006 Transcition ID: 8BF83.000000 Purpose of Digiturerment (including tillets) of communicationship Television Production - Cheek Norma of Pederal Candidate Cisturgement/Obligation For; 2008 Office Sought: **GN Blake** x House John Barver x Gerand Primary State Chaldet: 12 **President** Other (specify) ----FN4.000000 Name of Fatheri Cardidate Office Bount: Cisburgers Chilesian For: House **State**: Pimer Gereral . مندعة Chablet: Other (specify) Name of Federal Cardidate Disbursement/Obligation For: Office Bount: House **State** Primary Gerard Catlet: Proddert

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### 4 HOUR NOTICE OF DISBURSEMENTS/OBLIGATIONS FOR LECTIONEERING COMMUNICATIONS

#### individual. Organization or Qualified Nonprofit Corporation Making the Disburgament/Obligations (II) Maria **ECONOMIC FREEDOM FUND** (by Address (number and street) ____ check I different then proviously reported 2. FEC Mariffestion Number 486 CAPITOL MALL GUITE 401 (4) City, State and 23° Code SACRAMENTO C CHOOMA 25244 CA (4) Herne of Employer or Principal Place of Business (a) Consultan 60 2008 z This Statement 4. Covering Period ഥ 2008 Amended O (b) Date of Public Distribution(s) 10 ' 01 ' 2006' (b) Communication Title the Archite Alife No 😯 So the Filer a Qualified Nonprofit Corporation under 11 CFR 114.1D(c)? Yes $\square$ "Were the disbursements for the election communication made exclusively Yes Ix Nie 🗀 from denations to a segregated bank assount? Custodian of Records (a) Name Charles H. Ball. Jr. Courte learn sedence) especial through 455 Carolisi Mad. Salto 601 (c) City. State and ZIP Coch CA 20214 (d) Name of Employer of Principal Place of Engineer (e) Compation Hall, McAndone & Hilbark, LLP Albert Total Donellone This Statement .00 **'Total Disbergements/Obligations This Statement** 121241.34 Under penalty of porjuly. I could'y that this statement is true, correct and complain. In addition, if the closificacering sommerications reported hardin were made by a corporation. I partly that the cooperation is a qualified narraroth appoint on under the Commission's regulations. TYPE OR PRINT NAME OF PERSON COMPLETING FORM Charles H. Ball, Jr. DATE COZOGOOD BIGNATURE

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### 4 HOUR NOTICE OF DISBURSEMENTS/OBLIGATIONS FOR LECTIONEERING COMMUNICATIONS

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### HOUR NOTICE OF DISBURSEMENTS/OBLIGATIONS FOR LECTIONEERING COMMUNICATIONS

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full Name	
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TYPE OR PRINT NAME OF PERSON COMPLETING FORM Charles H. Ball, Jr.	
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### **E**ibit D

September 15, 2006

### Swift Boat figure attacks Moliohan

#### Texan housing executive running ads against Democrat

By Paul J. Nyden Staff writer

Wealthy Texas housing developer Bob J. Perry, who helped fund the Swift Boat Veterans' ade against Democratic presidential hopeful John Kerry in 2004, is funding negative television ads and paying for telephone calls and mailings attacking Rep. Alan Moliohen, D-W.Va.

Perry has given \$5 million and is listed as the sole contributor to the Economic Freedom Fund, a Secremento, Celli,-based 527 group. Named after a section of federal tex law, 527s are not subject to conventional campaign finance restrictions.

in 2004, Perry gave \$4.45 million to Swift Boat Veterans and POWs for Truth to run television ads attacking Kerry. Perry gave another \$3 million to Progress for America Voter Fund, another 527 group created in 2004 that raised \$38 million for President Bush's re-election campaign.

The Economic Freedom Fund was created on Aug. 1. Perry, who owns Perry Homes based in Houston, is the group's only contributor, at least so far. Perry made payments of \$2 million on Aug. 18 and \$3 million on Sept. 5.

in its Sept. 8 filing with Federal Elections Commission, the fund revealed it is focusing its efforts on two congressmen — Motiohan and Rep. Jim Mershall, D-Ga. The Economic Freedom Fund had already spent elighity more than \$500,000 buying television ade, according to the FEC filing.

Perry has close ties to Karl Rove, Bush's top advisor, and former House Majority Leader Tom DeLay, R-Texas.

The Economic Freedom Fund recently hired Stevens Reed Curcle & Potholm, an Arlington, Va., media firm, to prepare see against Molichen and Marshall. That firm also prepared the Swift Bost ads attacking Kerry's military service in Vietnam, where he won a Silver Ster, a Bronze Ster and three Purple Hearts.

Gerry Griffith, who runs Moliohan's campaign, said Thursday, "It is a tramendous investment in two congressional races, coming from Texas, the home of Tom DeLay, Karl Rove and other folks who specialize in wedge politics and negative campaigning.

"West Virginia should be alarmed at this attempt to buy their representatives wholesale," Griffith said. "This is the thinking people should really be frightened about."

Federal election laws allow congressional candidates to accept \$4,200 from any individual during a campaign. But in federal campaigne, 527 groups have no contribution limits.

Congressional candidates and their staffs are prohibited from communicating with envone working for a 527 group.

Will Holley, spokesmen for Moliohan's opponent, Delegate Chris Waldm, R-Ohlo, said, "We follow the federal laws and we have had no contact whatsoever with the group.

"But we think the voters have the right to know that Molichen has used his power on the Appropriations. Committee to send earmerks to nonprofits he set up that are run by former staffers and business partners."

The negative compaign against Mollohen began in April, when the National Legal and Policy Center, a

conservative political group, accused him of hundreds of errors in finance reports he filed as a congressmen.

in June, Molichen released detailed financial reports that he said proved the NLPC "wildly exaggerated the inadvertent errors on my past financial disclosure statements."

"They also show that NLPC is dead wrong in implying that I have improperly benefited from my office."

The NLPC sent its 500-page report to the U.S. Altomey for the District of Columbia and leaked excerpts to some newspapers.

But the group consistently refuses to release its full report to The Charleston Gazatte and other newspapers.

Doug Moore, Marshell's press secretary who is now running his re-election campaign, said, "These (Economic Freedom Fund) ads are absolutely misleading."

Television advertisements in Georgia portray Marshall, whose district includes Macon, as being tied to Sen. Ted Kennedy, D-Mass., Sen. Hillery Clinton, D-N.Y., and Rep. Cynthia McKinney, D-Ge., who lost her seat in this year's primary after a highly publicized altercation with a Capitol Hill policemen.

"Jim [Mershelf] is not a liberal. He is a conservative. And this is a guy who dropped out of Princeton to go to Visitnam, where he received two Bronze Stars and a Purple Heart," Moore said.

Moore said people running the Economic Freedom Fund "don't call back. This is a shadow group. They are not taiking to reporters.

"Whenever you have a group operating on the fringes like this, voters have the right to know who is making these attacks. The attacks are not true. Fact checking is not their strongpoint," Moore said.

Charles H. Bell Jr., a Sacramento lawyer who is general counsel to the California Republican Party, signed the Economic Freedom Fund's FEC report and has been listed as the contact person on the group's Web site.

Bell refused to return several telephone calls this week. A receptionist at his office said, "We have no  $\sim$  information to give out. He won't call you back. This is not the Freedom Fund's office.

"Any time I tell him someone has called, he has told me to give out another number. You are not the only one who is calling us about this," she said. No one responded to several calls placed to that number.

Petrick Dorenson, communications director for the California Republican Party, said Thursday, "This is the first I have ever heard of that group. I have no idea what it is or what Chuck's involvement in the group is."

Between 1992 and 2005, Perry gave \$15,000 in contributions to DeLay, who currently faces felony counts for money-laundering and conspiracy stemming from his fundralising efforts for Republicans in 2002.

Perry also makes donations to state election races. In 2002, he donated more than \$3.8 million to candidates in Texas state elections, according to the Web site www.cleanuptexaspolitics.com.

Today, the Economic Freedom Fund is also sending mailings supporting two Republican gubernatorial candidates: Gov. Sonny Perdue, who is running for re-election in Georgia, and incumbent Rep. Jim

Nuesie, who is running for governor of lows.

To contact staff writer Paul J. Nyden, use e-mell or call 348-5164.

### Exhibit E

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www.cogacmicfreedemfund.com

From time to time, our leaders fail us. They lose sight of government's purpose and use their position of power to benefit their own self-interest.



Alan Mollohan used his seat in Congress to send \$250 million to organizations he helped set up.

(Source: Charleston Daily Mail 9/3/88)

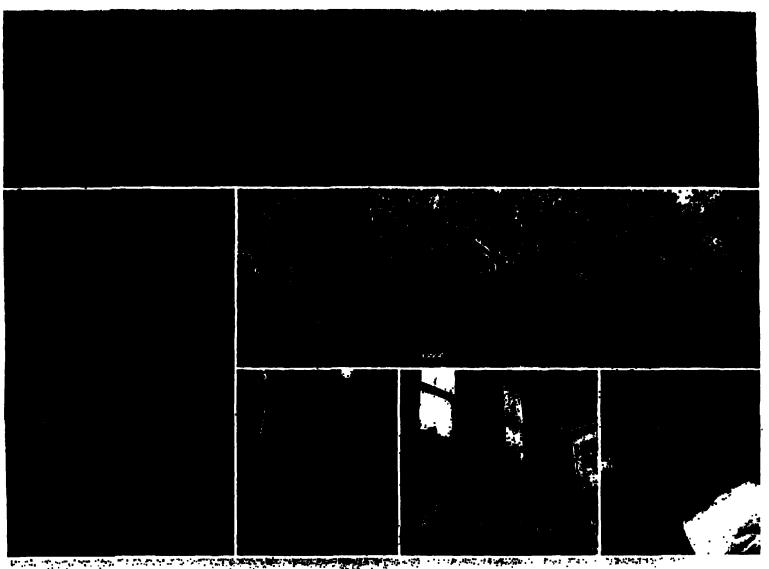


And over the last decade, their employees and contractors gave Mollohan almost \$400,000 for his campaigns.

(Source: New York Times 4/2/00)

Paid for by the Economic Freedom Fund PO Box 191005 Secremento, CA 96519





# The Death Tax does not help family farms and small businesses.

It allows the government to tax people a second time on the money they earn and could force many Georgians to sell their family farm or small business when their parents pass on.

## Maybe Jim Marshall voted to keep the Death Tax because he wants to fit in...

anot with people in Georgia, but his liberal friends in Washington D.C.

Maybe that's wax Jim Marshall voted with liberal San Francisco politician Nancy Pelosi over TS percent of the time.

Service of the property of the service of the Service

...and why he joined with other liberal congressmen and voted against prohibiting illegal immigrants from getting food stamps.

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Jim Marshall does Rom represent Georgia values! www.economictrodemfund.com

**Thinkishia** 

voted against

(Source: MR 4786, 7/13/84)

profitating illegal immigrants

from getting food stamps.

290442

### illegal immigrants or Georgia families?

Jim Marshall
voted against law
enforcement funding that aids
local police in reporting illegal
immigrants to federal authorities—
making it harder for law enforcement
to crack down on those who are in
this country illegally.

(Source: Roll Call 341, 7/8/04)



# Congressman Jim Marshall gave into liberal peer pressure.

In addition to voting with liberal Nancy Pelosi to aid illegal immigrants with tax paid benefits, Jim Marshall joined with ultra-liberal Cynthia McKinney and voted to keep the Death Tax.

Jim Marshall does NOT represent Georgia values!

WWW.comemictreedonsfund.com

### Jim Marshall, a slick talking politician



He has a history had saying one thing in Georgia...

..but doing another when he gets to Washington, D.C.



## Example

## Example 2

Example 3

Fie says he supports taxpayers, but Jim Marshall
voted with liberal
San Francisco politician
Nancy Pelosi to aid
illegal intraggants
with tax paid benefits.

In fact, Marshall voted against prohibiting illegal immigrants from getting food stamps.

(Source: HIK 4766, 7/13/04)

In Georgia, Jim Marshall talks like a conservative. But in Washington, Marshall's votes prove he really IS a liberal.

### The Real Jim Marshall



After reviewing the votes, a pattern has developed — a pattern of liberal votes.

Jim Marshall voted to KEEP the Death Tax — allowing the government to tax people a second time on the money they earn.

(Source: HR 8, 4/13/65)

Jim Marshall voted to AID illegal immigrants with tax-paid benefits. In fact, Marshall voted against prohibiting illegal immigrants from getting food stamps.

(Source, HR 4766, 7/13/04)

Jim Marshall voted AGAINST sanctioning the terrorist group Hamas. Hamas is responsible for killing hundreds of Israeli citizens using suicide bombers.

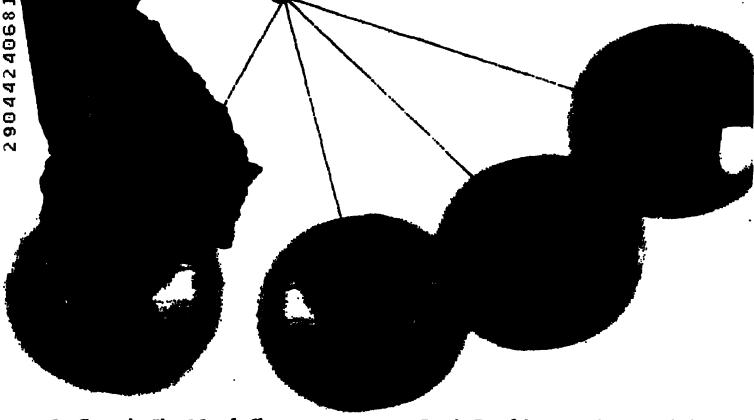
(Source, HR 4(81, 5/23/06)



The votes say it all—is just
Washington

www.ccoscolcireedomizad.com

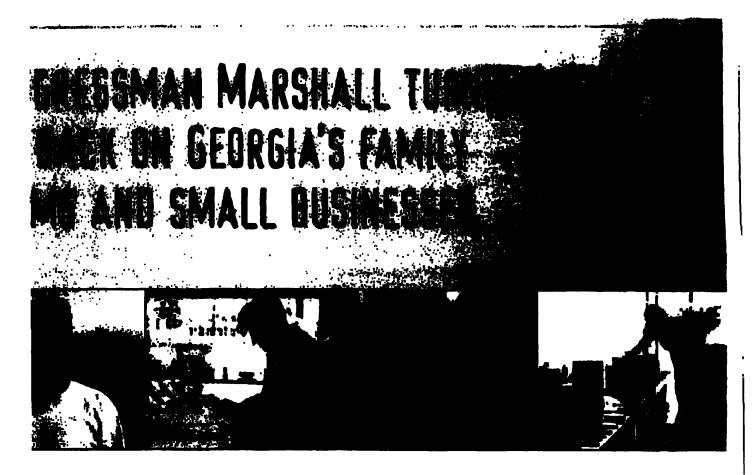
## The Two Lives of Jim Marshall



In Georgia, Jim Marshall sounds like Zell Miller...

But in Washington, Jim Marshall votes like Cynthia McKinney and liberal San Francisco politician

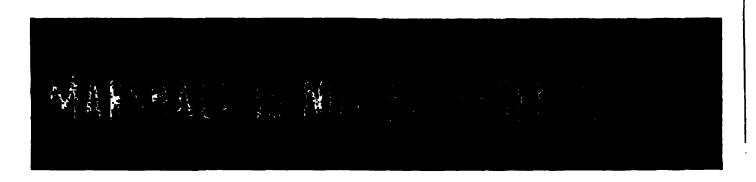
Jim Marshall?



**Death Tax allows the government to tax people a second on the money they earn** and could force many Georgians to sell ir family farm or small business when their parents pass on.

tion to voting numerous times to keep the Death Tax, arshall voted with liberal San Francisco ian Nancy Pelosi more than 70 percent ime. He also accepted more than I from Pelosi's PAC — the same PAC s been fined for illegally funneling to Democratic candidates.

ngressional Quarterly Voting Studies, www.trey.com)



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# THE DEATH TAX IS KILLING GEORGIA'S FAMILY FARMS AND SMALL BUSINESSES

reported the Death Tax would make survival of their business more difficult or impossible.

(Source: The Center for the Study of Taxation)



## Who is Jim Marshall representing... trial lawyers or Georgia families?

When lawsuit abuse put good doctors out of business and drove up the cost of health care for Georgia families, guess who Jim Marshall supported?

Jim Marshall sided with trial lawyers, who donated thousands of dollars to his re-election campaigns, by voting repeatedly against reforming the medical malpractice system and limiting lawsuit abuse.

(Source: HR 5, 3/13/05, 7/28/05, www.tray.com)



Jim Marshall is NOT representing us!

Paid for by the Economic Freedom Fund PO Bax 191095 Secremento, CA 95818

www.eqqqquichuedomfand.com

"Groupthink"
Conformity in thought

Conformity in thought and behavior among the members of a group.

### Maybe that explains these votes:

Jim Marshall acted more like Ted Kennedy when he voted to keep letting trial lawyers sue Little League for scrapes and bruises during a game.

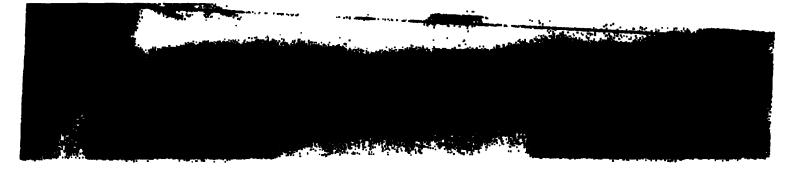
(Source: HR 2000, 9/14/04)

Hillary Clinton and Jim Marshall must think alike. Marshall voted repeatedly to keep the death tax, which could force many Georgians to sell their farms and small businesses just to pay inheritance taxes. (Source: HR E, e/1803)

Jim Marshall sided with Cynthia McKinney in voting against sanctioning the terrorist group Hames — allowing our tex dollars to be sent to the Hamas government in the form of foreign aid.

(Source: HR 4881, 5/23/05)

### **Exhibit F**



**Alan Mollohan voted AGAINST** giving seniors affordable prescription drug coverage.

(Source: HR 1, 11/22/03)



Alan Mollohan voted AGAINST additional protection for children from sexual predators and against stricter sentencing for child pornography.

(Source: Roll Call Vote 127, 2003)

Alan Mollohan voted AGAINST making the child tax credit permanent, which means families would be forced to pay more in taxe

(Source: HR 586, 4/18/0



9/11
commission

Alan Mollohan voted AGAINST implementing the security recommendations from the bipartisan 9/11 Commission.

(Source: HR 10, 10/8/04)

eld for by the Economic Freedom Fund 10 Bax 191905 Recrements, CA 95819

www.economistroedomiund.com

Health Care Senior Access to Prescription Drugs Public Safety Taxes



Alan Mollohan voted AGAINST making the child tax credit permanent, which means families would be forced to pay more in taxes.

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(Source: HR 586, 4/18/02)

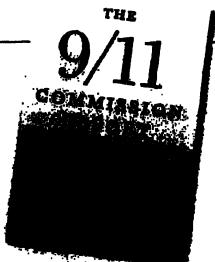


Alan Mollohan voted AGAINST continuing
Head Start — an education program that helps prepare
Tyoung children for school.

(Source: HR 2210, 7/25/03)

Alan Mollohan voted AGAINST the Aviation Security and Antiterrorism Act and AGAINST implementing the security recommendations from the bipartisan 9/11 Commission.

(Source: HR 3953, 2/2/98; HR 10, 10/2/04)





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www.cottomiciroodomfund.com

no additional protection for children from sexual predators.

NO stricter sentencing for child pornography.

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Congressman Alan MoHohan's Record...

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Alan Mollohan Has Betrayed West Virginia Families.

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Www.cconomichvodomicad.com

It's a transport us World...

Terrorists with a market American

Control Contro

## So what has Alan Mollohan done for our families?



For starters, Alan Mollohan voted against making the child tax credit permanent, which means families would be forced to pay more in taxes.

(Source: HR 586, 4/18/02

Mollohan also voted multiple against continuing Head Standard an education program that prepare young children for sales.

(Source:



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www.coccomicirocdemiund.com

## Every 40 seconds, a child coe missing or is abdusted

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# Alan Mollohan voted AGAINST giving seniors affordable prescription drug coverage.

increasing coverage in West Virginia by 62%. and benefit for seniors in Medicare histor

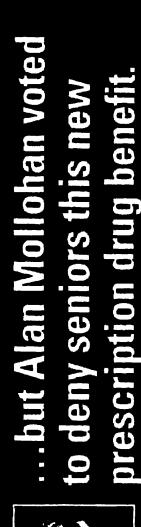
ch senior is saving an average of \$1,100 a year.

RP-endorsed prescription drug benefit.

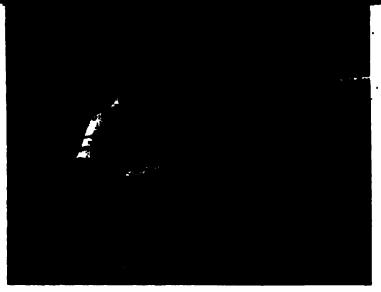
Alan Mollohan's Vote is Bad Medicine For West Virginia Seniors.



# More than an included wheat Virginia prescription des benefits. seniors are men receiving



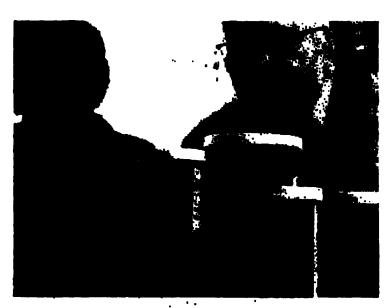




## Skyrocketing health care costs and good doctors being driven out of business — West Virginia families can't take much more.

Alan Mollohan SIDED with trial lawyers, who have donated thousands of dollars to his campaigns, by opposing efforts to reform the medical malpractice system and limit lawsuit abuse.

(Source: HR 5. 3/13/05. 7/29/05. www.trev.com)



## More than 325,000 West Virginia seniors are now receiving prescription drug benefits.

Congress created the first prescription drug benefit for seniors in Medicare history — increasing coverage in West Virginia by 62%. Each senior is now saving an average of \$1,100 a year.

Mollohan voted to deny seniors this important new benefit.

(Source: www.hhs.gov/medicare4.pdf, Center for Medicare and Medicaid Services, HR 1, 11/22/2003)

www.cocnomictrodomiund.com

FBI and Federal Prosecutors have opened an investigation of Alan Mollohan's Finances

Congressman Mollohan used his powerful perch on the House Appropriations Committee to funnel \$250 million into organizations he helped setup.

(Source: New York Times 4/8/06)

2 Over the last decade, their employees and contractors gave Mollohan almost \$400,000 for the decade.

(Source: Note York Times 4400)

Molichan's actions have prompted a complaint to federal prosecutors that questions whether taxpayer multey helped fuel a parallel growth in his personal fortune.

(Source: New York Times 4/8/05

www.cocoomicheedemind.com

## Health Care in West Virginia



## **Skyrocketing Medical Bills**

Doctors Leaving Our State

Senior Access to Prescription Drugs

#### ne Real Jim Marshall



After reviewing the votes, a pattern has developed — a pattern of liberal votes.

Jim Marshall voted to KEEP the Death Tax — allowing the government to tax people a second time on the money they carn.

(Source: HR 8, 4/13/05)

Jim Marshall voted to AID illegal immigrants with tax-paid benefits. In fact, Marshall voted against prohibiting illegal immigrants from getting food stamps.

(Source: HR 4766, 7/13/04)

Jim Marshall voted AGAINST sanctioning the terrorist group Hamas. Hamas is responsible for killing hundreds of Israeli citizens using suicide bombers.

(Source: HR 4(651, 5/23/06)



The votes say it all—is just Washington

## **Exhibit G**

Page 3
Former Swift Boat attack-ad backer takes on House Democrats The Associated Press
State & Local Wire September 14, 2006 Thursday

PUBLICATION-TYPE: Newswire

Copyright 2006 Associated Press All Rights Reserved Former Swift Boat attack-ad backer takes on House Democrats The Associated Press State & Local Wire September 14, 2006 Thursday

According to its Sept. 8 disclosure, the Economic Freedom Fund has spent \$337,753 on the West Virginia race, where Mollohan, a 12-term Democrat, faces Republican state delegate Chris Wakim. The group has spent \$163,599 in Georgia, where two-term incumbent Marshall is being challenged by former Republican congressman Mac Collins.

The fund's West Virginia ads address recent allegations regarding Mollohan's ethics, citing news reports that he is the subject of a federal investigation into whether he steered government money to nonprofit groups that donated to his campaigns.

Wakim's spokesman Will Holley said the group is helping to inform voters about Mollohan.

"The voters have a right to know Alan Mollohan's dismal voting record on issues like child safety," said Holley, who noted that Wakim's campaign has had no contact with the Economic Freedom Fund, which would be illegal.

One of the direct mailings paid for by the group accuses Mollohan of voting "against additional protection for children from sexual predators," which Mollohan's campaign denies.

Mollohan campaign spokesman Gerry Griffith said he thinks the advertising is turning people off.

"The influx of negative campaigning from Sacramento is unprecedented, certainly in my 25 years of West Virginia politics," Griffith said.

The Georgia ads portray Marshall, a conservative Democrat from Macon, as a liberal, associating him with the policies of Democratic Sens. Hillary Clinton of New York and Ted Kennedy of Massachusetts, as well as Georgia Democratic Rep. Cynthia McKinney, who lost her seat in a Democratic primary this year after a highly-publicised scuffle with a Capitol Hill police officer.

Marshall spokesman Doug Moore said voters in the district are familiar enough with Marshall's record to know the ads are off base.

"Getting out there and calling Jim Marshall a liberal in the Hacon media market isn't going to be effective," Moore said. "Everybody here knows Jim, and they know he's conservative."

Unlike with Kerry and the Swift Boat group, the Economic Freedom Fund has not questioned Marshall's Vietnam War service. A former Army Ranger platoon sergeant and recent inductee into the Army Ranger Hall of Fame, Marshall was awarded two Bronse Stars and a Purple Heart for his service in Vietnam.

"Jim Marshall has a great military record, and I hope they bring that up because we would love to make that an issue in this campaign," Moore said.

The group also made automated phone calls supporting Republican Rep. Mike Sodrel and criticizing his Indiana rival, but the effort may have done more harm than good. A spokeswoman for the Indiana Attorney General's office said Thursday it will investigate a complaint that the calls violate the state's law against automated phone calls.

According to its filing, the Economic Freedom Fund was formed to "promote policies and issues favoring economic freedom, growth and prosperity of the economy."

The group's "527" status refers to a section of the tax law. Such groups can accept unlimited donations for voter mobilization and issue advertisements aimed at influencing federal elections.

On The Net:

Economic Freedom Fund: http://www.economicfreedomfund.com

LOAD-DATE: September 15, 2006

LANGUAGE: ENGLISH

#### 23 of 23 DOCUMENTS

#### The Associated Press State & Local Wire

September 14, 2006 Thursday 8:42 PM GMT

Former Swift Boat attack-ad backer takes on House Democrats

BYLINE: By BEN EVANS, Associated Press Writer

SECTION: POLITICAL NEWS

LEMBTE: 949 words

DATELINE: WASHINGTON

The Texas homebuilder who helped bankroll the attack on Democratic presidential candidate John Kerry's war record in 2004 is setting his sights on Democrats seeking re-election to Congress, including W.Va. Rep. Alan Mollohan.

Bob J. Perry, a major Republican donor with close ties to White House adviser Karl Rove and former House Majority Leader Tom DeLay, has donated \$5 million since Aug. 18 to a newly formed California group called the Economic Freedom Fund. Like the anti-Karry Swift Boat Veterans for Truth, the fund is a so-called 527 group that is not subject to conventional campaign finance restrictions and can spend unlimited amounts on election advocacy.

So far, the new group which was formed last month and lists Perry as its sole donor has spent slightly more than \$500,000 on television ads and mailers criticizing Mollohan and Democratic House Rep. Jim Marshall of Georgia, according to a disclosure form filed last week with the Federal Election Commission.

According to its Web site, the group also is distributing mailers supporting Republican Georgia Gov. Sonny Perdue's re-election campaign and Jim Mussle of Iowa, a Republican congressman running for governor.

Anthony Holm, a spokesman for Perry, declined to comment on the contribution or on further plans for using the group's money. Charles H. Bell Jr., a Sacramento attorney listed as the fund's contact, did not return phone calls Wednesday or Thursday. On its FEC filings, the group lists as its address the same Sacramento office as Bell's law firm, Bell, McAndrews & Hiltachk.

The West Virginia and Georgia congressional races that the group is targeting are considered among the GOP's best shots at picking up seats in an election year where some experts believe the party is in danger of losing its majority in Congress.

The amount of money involved is significant.

Perry's \$5 million donation, made in two payments on Aug. 18 and Sept. 5, is among the largest, if not the largest, donation from an individual to any 527 group this year, although contribution records are still being filed. It exceeds the nearly \$4.5 million that Perry gave the Swift Boat Veterans for Truth in 2004, when he provided the seed money to help launch the group and was its biggest donor. And it's more than double the amount that billionaire Democratic donor George Soros has given to 527 groups this year, according to the Web site Political MoneyLine, which tracks campaign finances.

Soros has given about \$2.3 million this year to several outside groups.

#### **Exhibit H**



Swift Boat ad bankroller targets 2 Ga. Democrats

By <u>Bob Dart</u> Cox Washington Bureau Published on: 09/23/06

Washington —— The Texas millionaire who paid for the Swift Boat ads against Democratic presidential candidate John Kerry in 2004 is now taking aim at a pair of Democratic congressmen from Georgia.

Bob J. Perry gave \$5 million to the Economic Freedom Fund, which is headquartered in California and has paid for TV ads, fliers and telephone messages criticizing Jim Marshall and John Barrow, whose re-election bids are among the hottest races in the country this fall.

Perry, a home builder who lives near Houston and has long ties with White House adviser Karl Rove, gave \$4.45 million to Swift Boat Veterans for Truth during the 2004 election cycle, according to the Center for Responsive Politics, a nonpartisan group that tracks campaign financing. The Swift Boat group paid for ads that questioned the Vietnam wartime heroism of Kerry, the Democratic presidential candidate.

Both the Economic Freedom Fund and Swift Boat Veterans for Truth are 527 political groups, named for the tax provision under which they operate. Their donors are not subject to donation limits because the groups are supposedly independent from the political parties and candidates.

Campaign spending reports have yet to be filed, but Perry's donation to the Economic Freedom Fund probably makes him the largest donor so far to such groups in the 2006 election cycle, said Massie Ritsch, a spokesman for the Center for Responsive Politics.

Perry has drawn some comparisons with George Soros — the multimillionaire Democratic donor who funded MoveOn.org and other left-leaning 527 groups during the last election cycle — though Perry gave only about a third of Soros' \$23.4 million in the 2004 election cycle. But this time out, Perry is well ahead of Soros, who has given \$1.9 million to 527 groups, according to the reports filed so far.

Campaign finance filings show Perry as the only donor to the Economic Freedom Fund, which was formed last month to "educate the public concerning issues related to the preservation of economic freedom, the promotion of economic growth and prosperity for the people of the United States of America."

Phone calls to the fund's headquarters in Sacramento were not returned. The group's TV spots in the Georgia races were created by Stevens Reed Curcio & Potholm, an

Alexandria, Va., political consulting firm that also created the Swift Boat spots.

In one spot, Marshall is accused of talking like a conservative in Georgia and voting as a liberal in Washington. In another, his votes are compared to those of Sens. Ted Kennedy and Hillary Clinton and Rep. Cynthia McKinney, and his vote for Nancy Pelosi to be speaker of the House is highlighted.

In the TV spot in his race, Barrow is depicted as voting to benefit trial lawyers and against small businesses.

Doug Moore, a spokesman for the Marshall campaign, called the ads "Bob Perry's attempt to go around the campaign finance laws."

"I'd like to get Bob Perry in a room with the truth and introduce them," Moore said.

He said the ads could have an effect on the campaign, "but I don't know that they will."

"They're pretty much over the top," he said, citing an accusation of wasteful spending for Marshall's vote on a continuing resolution that kept the government running and was also supported by the Republican House leadership.

Barrow's campaign also labeled the ads dishonest.

"This shady, third-party group is polluting Georgia's airwaves with false, negative TV ads, clogging up phone lines with annoying and deliberately deceitful 'push polls,' and filling 12th District mailboxes with dishonest, negative mailers," the campaign said in a written response.

The Economic Freedom Fund ad came "from an independent group. There was no coordination whatsoever" with the Burns campaign, said Tim Baker, campaign manager for Barrow's opponent, Republican Max Burns. He said he saw the ad for the first time when his wife called him to a TV set to point it out.

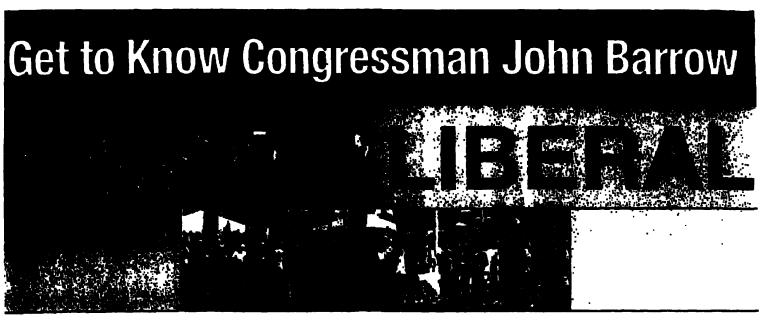
"That's nothing we would have any control over," said Ted Prill, campaign manager for Mac Collins, Marshall's Republican opponent. He said the candidate had no connection with third-party ads.

The Economic Freedom Fund is also advertising in congressional campaigns in Indiana, where Democrat Baron Hill is trying to regain the seat he lost in 2004 to Republican Mike Sodrel, and in West Virginia, where Republican Chris Wakim is trying to unseat incumbent Democratic Rep. Alan Mollohan. In Iowa, the group has run TV spots in the congressional race in which Democratic Rep. Leonard Boswell is defending his seat against Republican challenger Jeff Lamberti.

The fund's Web site also shows pamphlets it has prepared saying Republican Gov. Sonny Perdue, who is seeking re-election, is "getting the job done for Georgia."

#### **Exhibit I**

www.ecenemicfreedomkind.com



John Barrow has been quoted saying, "We have 11 million illegal aliens we need to do a good job of assimilating into the country first." — some say that would cost taxpayers \$29 billion a year.

(Source: Boston Globe, 4/9/06)

Barrow also voted against ending the temporary protected status to hundreds of thousands of immigrants in the United States — allowing them to work and live here without having to file for citizenship.

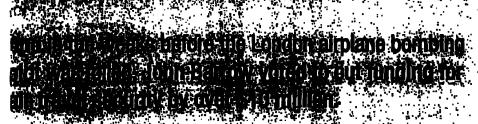
(Source Roll cell vote 222, 5/25/06)

## John Barrow's liberal habits don't stop there...

## A Record of Liberal Voting

John Barrow voted to make liberal San Francisco politician Nancy Pelosi the Speaker of the House even though Pelosi has advocated a policy of "cut and run" in Iraq and voted to weaken our ability to track down terrorists who are planning attacks here in America.

(Source: Congressional Quarterly Records)



(Source: Roll Call vote 217, 5/25/06)



John Barrow's liberal votes do NOT represent Georgia values.

www.economicireedomfund.com

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## Georgia's LEAST Effective Member of Congress

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**Light Way John Barrow is ranked in the ' Lottom ten of ALL members of Congress** 

(Source: www.comerces.at

## Soft on Illegal Immigration



Illegal immigration costs taxpayers \$10 billion every year.

(Source: Conter for Intingration Studios

Unfortunately, John Barrow has been quoted saying, "We have 11 million illegal aliens we need to do a good job of assimilating into the country first." — some say that would cost taxpayers \$29 billion a year.

(Source: Boolan Globe, 4/9/96)

And, John Barrow voted against ending the temporary protected status to hundreds of thousands of immigrants in the United States—allowing them to work and live here without having to file for citizenship.

(Returns: Roll and value 222, 5/25/06

messective. Liberal.

Congressman
John Barrow

www.aconomicfreedom/und.com

# Georgia Children

John Barrow made the wrong choice.

**Congressman John Barrow** had the opportunity to vete for improving the quality of education for Georgia children, but instead he voted against ending the temporary protected status for non-citizens.

(Source: Rolf Call Vote 71, 3/29/06; Rolf Call Vota 222, 5/25/06)



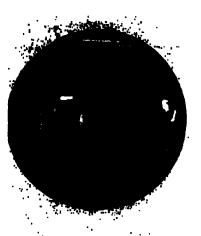


#### Unfortunately John Barrow must disagree.

Congressman Barrow voted AGAINST increasing education funding for important math, science and foreign language teachers — all of which would help give children the skills they need to be more competitive in a global economy.

(Source: Roll Call Vote 71, 3/29/06)





#### So what does John Barrow really support?

John Barrow voted against ending the temporary protected status to hundreds of thousands of immigrants in the United States, allowing them to work and live here without having to file for citizenship.

Source: Red Call Vote 222, 5/26/08

10 - Iiberal values, NOT Georgia values.

www.economicireedomiund.com



Congressman John Barrow's latest liberal vote was

## AGAINST voter ID cards,

which could reduce voter fraud and prevent illegal iramidrants from casting a vote in U.S. at the course of the co

But that's NOT all...

# "We have 11 million illegal aliens we need to do a good job of assimilating into the country first,"



#### And how did Barrow vote on other issues?

against ending the temporary protected status to hundreds of thousands of aliens in the United States

www.economicfreedomfund.com



This is the Annual Salary of Georgia's E.EAST Effective Member of Congress



Server besideling Benow done to earn his six-figure salary?

Since being elected, John Barrow has only introduced a handful of bills and not one has become law.

(Source: www.thomas.gov)

In the weeks before the London airplane bombing plot was foiled. John Barrow voted to cut funding for air travel security by over \$10 million.

(Source: Roll Call Vote 217, 5/25/06)

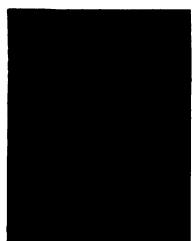
Barrow also voted AGAINST ending the temporary protected status for hundreds of thousands of immigrants in the United States — allowing them to work and live here without having to file for citizenship.

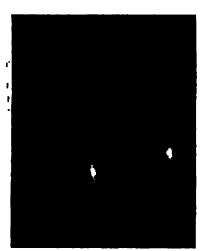
(Source: Roll Call Vote 222, 5/25/06)

As a result of John Barrow's record, he is listed in the bottom ten of ALL members of Congress.

(Source: www.congress.org)







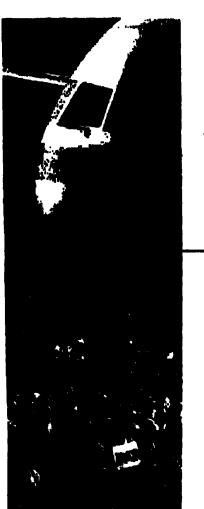


## Getting to know John Barrow has been a disappointment.

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- Andrew Community State (1997年) (19

CONGRESSMAN JOHN BARROW



#### **Cutting Funding for Air Travel Security**

In the weeks before the London airplane bombing plot was foiled, John Barrow voted to cut funding for air travel security by over \$10 million.

(Source: Roll Cal Vote 217, 5/25/06)

That's bad, but so is John Barrow's other vote...

Barrow voted AGAINST ending the temporary protected status for hundreds of thousands of immigrants in the United States — allowing them to work and live here without having to file for citizenship.

(Source: Roll Call Vote 222, 5/25/06)

### Not Representing Georgia Values

#### **Exhibit J**

menu.economiciroodemiund.com

## OVERIAXED



Working Families and Small Businesses are Feeling the Squeeze.



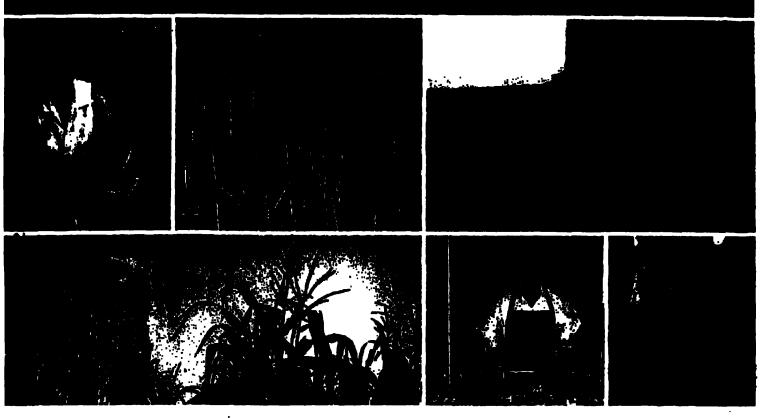
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## The Death Tax is Killing lowa's Family Farms and Small Businesse





Overtaxed...?

Don't ask Congressman

Boswell for help.

65 percent of small-business owners reported the Death Tax would make survival of their business more difficult or impossible.

(Source: The Center for the Study of Thurstion)

But in 2001, Congressman

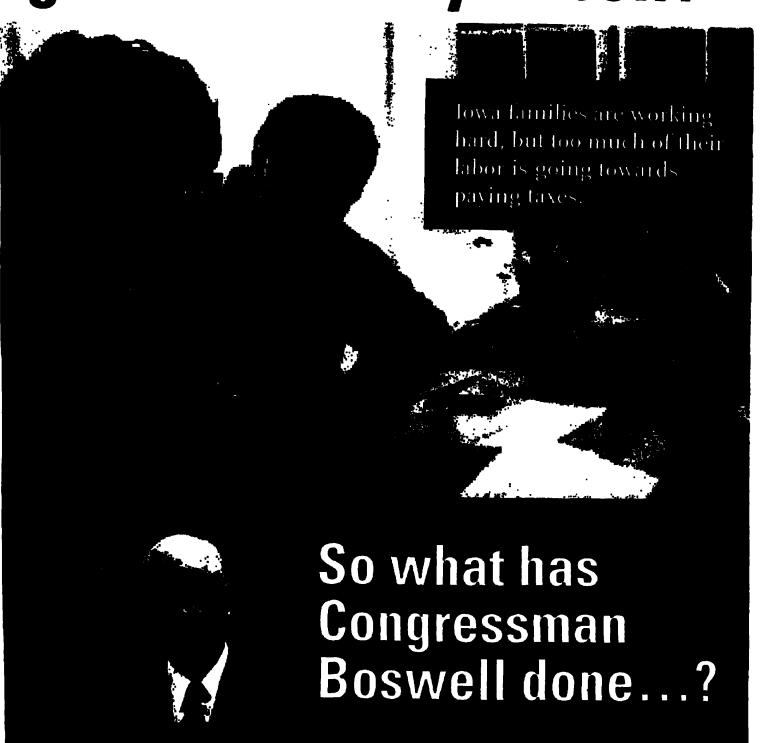
Leonard Boswell voted to keep

the Death Tax — allowing the
government to tax people a second
time on the money they earn.

(Source: Roll Call Vote 149, 5/26/01)

www.occasisfreedominad.com

## Who do you trust to spend your money... government or yourself?





Congressman Leonard Boswell voted AGAINST making the tax cuts permanent, a vote that would mean higher taxes for Iowa families.

(Some Koll Cli Po 5, 10 00)

Leonard Boswell has also voted numerous times AGAINST education savings accounts and against providing education tax incentives — things that would help Iowa families afford to send their children to college.

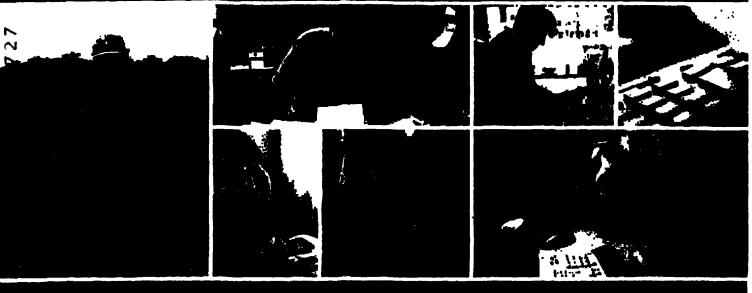
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# Congressman Leonard Boswell is taxing on lowa small businesses





# The death of Iowa's Small Businesses and Family Farms





65 percent of small-business owners reported the Death Tax would make survival of their business more difficult or impossible.

(Source: The Center for the Study of Taxation)

But Congressman Leonard Boswell voted to keep the Death Tax — allowing the government to tax people a second time on the money they earn.

(Source: Roll Call Vote 149, 5/26/01)

Congressman Boswell has per a leavy tax on lower and has messed

www.scenomicfreedemfund.com

# FAMILIES TO PANUKE







In 2006, Congressman Leonard Boswell voted AGAINST extending the tax cuts, which would make tax rates for working lowans go up and the per child tax credit go down—which could force families to pay more in taxes.

1,000 (10)

# PUTTING HIGHER EDUCATION OUT OF REACH



Multiple times, Leonard Boswell voted AGAINST education saving accounts and AGAINST providing education tax incentives – things that would help lowa families afford to send their children to college.

(Secret Local Materials Conflict and Conflict (24), (4-16)



LEONARD BOSWELL — TOO TAXING ON IOWA FAMILIES.

Many Iowa small businesses pay the fifth highest income tax in 





AGAINST tax relief for small businesses.

(Source: Roll Call Vote 135, 5/10/00)

SO WHOSE SIDE IS BOSWELL ON...?





## Leonard Boswell sided with trial lawyers,

Who have donated over \$30,000 to his re-election campaign. The solution appears the production of the solution of the solution

## And Leonard Boswell sided AGAINST farmers and small businesses

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www.eegnemichrodomfund.com

### WHOSE SIDE IS LEONARD BOSWELL ON?

lowa lamines have enough troubles. The last thing they need is for trial lawyers to sue Little League for scrapes and breases during a game.

But Congressman
Besvell voted to let
personal injury lawyers
see Little League
has exall and Pee Wee
tootball leagues for miner
ing oo. during a game.





AND ON TAXES,
LEONARD BOSWELL
SIDED AGAINS
IOWA FAMILIES.

## HIGHER AND HIGHER TAXES





Congressman Leonard Boswell voted AGAINST meaningful tax relief, which would make tax rates for working lowa families go up and the per child tax credit go down — forcing families to pay more in taxes.

(Source: Roll Call Vote 135, 5/10/06)

LEONARD BOSWELL SIDED WITH **HIGHER** TAXES.

www.economictroedomfund.com

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# THE DEATH TAX— TAXING PEOPLE A SECOND TIME ON THE MONEY THEY EARN.



In 2001, Congressman Leonard
Boswell voted to keep the Death Tax,
which could force many lowans to sell
off their family farm or small business
when their parents pass away.

(Source: Roll Call Vote 149, 5/28/01)



BUT BOSWELL DIDN'T STOP AT TAXING FAMILY FARMS AND SMALL BUSINESSES...

## TAKING MONEY OUT OF YOUR POCKET



The average employee works for 116 days just to pay for one year's taxes. That hurts families.

Unfortunately, Congressman
Leonard Boswell voted AGAINST
meaningful tax relief, which
would make tax rates for working
lowans go up.

And Boswell's vote would also make the per child tax credit go down – forcing families to pay more in taxes.

(Source: Roll Call Vote 135, 5/10/06)



CONGRESSMAN LEONARD BOSWELL TAXING ON FAMILIES—OVER AND OVER AGAIN.

## **Exhibit K**

#### 1 of 1 DOCUMENT

#### The Associated Press State & Local Wire

September 18, 2006 Monday 10:58 PM GMT

#### Indiana sues California group over automated calls

SECTION: STATE AND REGIONAL

LENGTH: 552 words

DATELINE: INDIANAPOLIS

The state sued a California-based group Monday to stop it from making automated phone calls attacking Democratic candidate Baron Hill in the 9th District congressional race.

The group behind the calls, the Sacramento-based Economic Freedom Fund, is being funded by the Republican donor who helped bankroll the Swift Boat attack ads on Democratic Sen. John Kerry's war record during the 2004 presidential campaign.

The attorney general's office filed a lawsuit in Brown Circuit Court in Nashville seeking temporary and permanent injunctions against the calls as violations of Indiana's telemarketing law and fines of \$5,000 for each violation. A hearing in the case is set Sept. 27.

Attorney General Steve Carter received 12 consumer complaints over the calls, including one from Philip Wilkinson, 41, of Bloomington, who said he was on the state's do-not-call list and is offended by negative political ads.

"When somebody gets real ugly, I'll say, 'Heck, I'll vote for the other guy,'" Wilkinson said, adding he does not support Hill or Sodrel.

Carter said representatives of the Economic Freedom Fund agreed to stop the calls when his office contacted them Friday. He said he was unaware of any more being placed since then.

"They implicitly acknowledged they were making the calls," Carter, a Republican, said during a news conference to announce the lawsuit.

The Associated Press left messages with the fund and its attorney Monday seeking comment on the lawsuit.

Bob J. Perry, a Texas homebuilder with close ties to White House adviser Karl Rove and former House Majority Leader Tom DeLay, recently donated \$5 million to the fund, a newly created California group targeting Democratic candidates.

Carter played a recording of one of the automated calls in which the unidentified speaker attacks Hill for votes while the Democrat still represented southern Indiana's 9th District. Republican Mike Sodrel unseated Hill in 2004, and the two are vying for the seat again this year.

Hill's campaign thanked Carter for "setting aside partisan alliances and doing what's right for all Hoosiers."

Sodrel's campaign also supported Hill's lawsuit. For 14 months the campaign has battled liberal special interest groups using the same tactics, but targeting Sodrel.

"It's the worst kind of politics, and they've got to stop," Sodrel spokesman Cam Savage said of the automated calls.

Indiana sues California group over automated calls The Associated Press State & Local Wire September 18, 2006 Monday

The Economic Freedom Fund's political status is 527, which exampts it from conventional campaign finance restrictions and allows it to spend unlimited amounts on election advocacy, similar to the Swift Boat Veterans for Truth. In the 2004 presidential race, the group of Vietnam veterans made unsubstantiated allegations challenging Kerry's record of wartime heroism.

According to its filing, the Economic Freedom Fund was formed to "promote policies and issues favoring economic freedom, growth and prosperity of the economy."

Carter sent an Aug. 22 letter to state Democratic and Republican parties informing them that a 1988 state law prohibited automated phone calls for political purposes and promising to enforce it, even though the law had been widely ignored during past political campaigns.

On The Net

Economic Freedom Fund: http://www.economicfreedomfund.com

Indiana Attorney General consumer services: http://www.in.gov/attorneygeneral/consumer/

LOAD-DATE: September 19, 2006

Language: English

PUBLICATION-TYPE: Newswire

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## **Exhibit L**

IN THE UNI FOR THE SO INI	TED STATES DISTRICT COURT UTHERN DISTRICT OF INDIANA 2000 SEP 2   Fil 4: 52
FREEEATS.COM, INC.,	LAGRELLI ALLIGOS
Plaintiff,	<b>\( \)</b>
v.	Civil Action No.
STATE OF INDIANA EX REL. STEVE CARTER, ATTORNEY GENERAL, and, STEVE CARTER, Attorney General,	1:06-cv-1403-LJM-WTL
Defendants	ζ

Page 1 of 11

#### COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

FreeEats.com, Inc. ("plaintiff"), by counsel, alleges:

1. Among other things, plaintiff files this action to have this Court enter an order, declaring void and unenforceable Indiana Code § 24-5-14-5 (the "Automatic Dialing Machine" or "ADM" statute), which restricts the making of prerecorded telephone calls to residents of Indiana, on the ground that it is preempted by the Telephone Consumer Protection Act of 1991, Pub. L. No. 102-243, 105 Stat. 2394 (1991), and the implementing rule adopted by the Federal Communications Commission ("FCC"), 47 C.F.R. § 64.1200(a)(2)(ii)(2005), as the ADM statute is applied to prerecorded interstate telephone calls that seek to either survey the recipient's political views or deliver a political message.

#### <u>JURISDICTION AND VENUE</u>

2. This action arises under the Constitution of the United States, 28 U.S.C. §§ 2201 and 2202 and 42 U.S.C. § 1983. This Court has jurisdiction over this action pursuant to 28 U.S.C. 6 1331.

Document 1

Venue for this action is proper in the United States District Court for the Southern 3. District of Indiana. See 28 U.S.C. § 1391(b).

#### **PARTIES**

- Plaintiff is a Virginia corporation with its principal place of business in Herndon. 4. Virginia. Plaintiff is a survey and database company that relies upon interactive voice response, speech recognition technology on outbound calls using prerecorded messages to query households through survey polls; identify supporters and later encourage those supporters to turn out to vote; and to deliver political advocacy messages. The company has been active in many political campaigns and initiatives, on behalf of candidates or of groups that support candidates. including the making of interstate calls into Indiana in support of congressional candidates in that state for the election year 2006.
- Defendant STATE of INDIANA has enacted a law that purports to prohibit calls 5. into the state containing pre-recorded telephone calls, potentially calls such as those made by plaintiff.
- Defendant STEVE CARTER is the Attorney General of the State of Indiana. 6. Under the Indiana Constitution, the Attorney General is the chief law enforcement officer of the

State and has the duty to enforce its laws, including the Automatic Dialing Machine statute. Indiana Code Section 24-5-14-5. The Attorney General is sued in his official canacity.

#### NATURE OF THE ACTION AND BACKGROUND

- 7. This case concerns the Indiana' Automatic Dialing Machine statute that, as interpreted and enforced by defendants, makes it illegal for plaintiff to make prerecorded. interstate telephone calls to citizens of the State of Indiana, to communicate a political message.
  - 8. The Automatic Dialing Machine statute provides, in part:
    - Sec 5. (b) A caller may not use or connect to a telephone line an automatic dialing-announcing device unless:
    - (1) The subscriber has knowingly or voluntarily requested, consented to, permitted, or authorized receipt of the message; or
    - (2) The message is immediately preceded by a live operator who obtains the subscriber's consent before the message is delivered.
- 9. There is no exclusion in the statute for interstate calls that are entirely political in nature.
- An actual controversy exists. Defendants have made statements to the media 10. warning political parties against automated political phone calls to Indiana voters during the uncoming election campaigns, and have in fact filed an action in Indiana state court, seeking to enforce the statute against the Economic Freedom Fund related to calls made by plaintiff on the Economic Freedom Funds' behalf for interstate calls that are entirely political in nature.
- The ADM statute conflicts with a rule issued by the FCC pursuant to authority 11. delegated by Congress in the Telephone Consumer Protection Act of 1991 (the "TCPA").
- Plaintiff seeks a declaration that the Automatic Dialing Machine statute, insofar as 12. it applies to prerecorded interstate calls for political purposes, is preempted by the TCPA and

violates the Commerce Clause and the First Amendment of the United States Constitution, and an injunction permanently barring enforcement of the law to such calls.

13. The ADM statute is preempted because it regulates interstate telephone calls. Under the Constitution and the TCPA, states lack jurisdiction to regulate such interstate communications. Congress enacted TCPA to provide specific federal regulation of certain interstate telephone calls precisely because the States cannot regulate interstate telephone calls.

#### THE FEDERAL REGULATORY REGIME

- 14. Federal Communications Act of 1934. The FCA grants the FCC exclusive jurisdiction to regulate interstate telephone calls. 47 U.S.C. § 152(a). Subject to certain exceptions, the FCA generally commits to the States exclusive jurisdiction to regulate intrastate communications. Id. § 152(b). The FCA denies States any jurisdiction to regulate interstate telephone calls.
- 15. The Telephone Consumer Protection Act ("TCPA"). The TCPA made it "unlawful for any person within the United States . . . (B) to initiate any telephone call to any residential telephone line using an artificial or prerecorded voice to deliver a message without the prior express consent of the called party, unless the call is initiated for emergency purposes or is exempted by rule or order by the Commission under paragraph (2)(B)." 47 U.S.C. § 227(b)(1)(B). The phrase "any telephone call" establishes federal jurisdiction over defined categories of both intrastate and interstate telemarketing calls.
- 16. The TCPA further delegates to the FCC the power to create an exception to this prohibition for telephone calls "that are not made for a commercial purpose." 47 U.S.C. § 227(b)(2)(B). In 1992, the FCC exercised the authority granted by Congress in Section

227(b)(2)(B) and adopted a rule that exempted all prerecorded calls made for a noncommercial purpose from the prohibition that otherwise would apply. 47 C.F.R. § 64.1200(a)(2)(ii).

17. The TCPA regulates interestate and intrastate calls. The statute includes a saving clause that provides that the TCPA does not preempt State regulation of intrastate telemarketing calls that are more restrictive than the federal minimum standards.

> STATE LAW NOT PREEMPTED.—Except for [certain specified provisions of the TCPA], nothing in this section or in the regulations prescribed under this section shall preempt any State law that imposes more restrictive intrastate requirements or regulations on, or which prohibits— (C) the use of artificial or prerecorded voice messages . . . .

47 U.S.C. § 227(e)(1). Plaintiff seeks a declaration that this saving clause does not permit States to regulate interstate telemarketing calls that the FCC permits; i.e., calls of a political (noncommercial) nature.

#### THE INDIANA STATUTE

- 18. The ADM statute provides:
  - 24-5-14-5. Conditions for using automatic dialing-announcing device - Exceptions.
    - (a) This section does not apply to messages:
  - (1) From school districts to students, parents, or employees;
  - (2) To subscribers with whom the caller has a current business or personal relationship; or
    - (3) Advising employees of work schedules.
  - (b) A caller may not use or connect to a telephone line an automatic dialing-announcing device unless:
  - (i) The subscriber has knowingly or voluntarily requested, consented to, permitted, or authorized receipt of the message; or
  - (2) The message is immediately preceded by a live operator who obtains the subscriber's consent before the message is delivered.

19. The ADM statute provides for injunctive relief against those who violate the statute, as well as civil penaltics.

#### **INJURY TO PLAINTIFF**

20. Plaintiff will suffer immediate and irreparable injury if it is prohibited by the ADM statute from using automatic dialing-announcing devices to place "unsolicited" interstate telephone calls to Indiana residents for political purposes. As applied to interstate telephone calls, the ADM statute would deprive plaintiff of its constitutional rights, and would violate its right to free speech, which is protected by the United States Constitution. These losses cannot be quantified. Even if these losses could be quantified, the Eleventh Amendment would bar Plaintiff, should it prevail, from seeking monetary recovery from the defendants.

#### **COUNT I**

#### (Preemption)

- 21. Plaintiff repeats, re-alleges and incorporates the allegations in paragraphs 1 20, as though fully set forth herein.
- 22. The Supremacy Clause provides, in pertinent part: "This Constitution, and the Laws of the United States which shall be made in pursuance of thereof... shall be the Supreme Law of the Land." U.S. Const., art. VI, cl. 2.
- 23. The Federal Communications Act of 1934 ("FCA") denies the States jurisdiction to regulate interstate communications.
- 24. The FCC has promulgated a rule, 47 C.F.R. § 64.1200(a)(ii), pursuant to authority delegated by Congress in the TCPA, which exempted interstate prerecorded noncommercial telephone calls from the prohibition of telemarketing calls otherwise established by the TCPA.

- The ADM statute purports to regulate both prerecorded intrastate and interstate 25. telephone calls, and without regard to whether the call seeks to elicit political views or communicate a political message.
- The ADM statue is preempted by the FCA and the FCC implementing rule insofar 26. as it purports to regulate prerecorded interstate telephone calls made to communicate a political message.
- Enforcement of the ADM statute with respect to prerecorded interstate telephone 27. calls to residents of Indiana for political purposes will cause Plaintiff immediate and irreparable harm for which there is no adequate remedy at law.

#### **COUNT II**

#### (Undue Burden on Interstate Commerce)

- 28. Plaintiff repeats, re-alleges and incorporates the allegations in paragraphs 1-27, as though fully set forth herein.
- 29. Under the dormant Commerce Clause, a state may not impose undue burdens on interstate commerce.
- **30.** Insofar as it regulates interstate telephone calls to residents of Indiana for political purposes, the ADM statute imposes an undue burden because it produces no local benefit.
- Insofar as it regulates interstate telephone calls to residents of Indiana for political 31. purposes, the ADM statute imposes an undue burden because the burden exceeds any local benefit and is not adequately tailored to its goal.
- **32.** Therefore, insofar as it regulates interstate telephone calls to residents of Indiana for political purposes, the ADM statute violates the dormant Commerce Clause.

33. Enforcement of the ADM statute with respect to interstate telephone calls to residents of Indiana for political purposes will cause Plaintiff immediate and irreparable harm for which there is no adequate remedy at law.

#### COUNT III

#### (Indiana Constitution)

- 34. Plaintiff repeats, re-alleges and incorporates the allegations in paragraphs 1-33 as though fully set forth herein.
- 35. By enforcing the ADM statute with respect to interstate telephone calls to residents of Indiana for political purpose, Defendants will unlawfully and substantially deprive Plaintiff, and the organizations on whose behalf it makes calls, of free speech rights secured by the Free Speech Clause of the Indiana Constitution, Article 1, Section 9. Statistical analysis shows that Plaintiff's interactive voice response system is one of the most effective means of communicating political messages and, if Defendants are successful in banning the use of that system, then Plaintiff's clients, and the citizens of Indiana will all suffer from an infringement of their free speech rights.
  - 36. Plaintiff has no adequate remedy at law.

#### **COUNT IY**

#### (First Amendment)

- 37. Plaintiff repeats, re-alleges and incorporates the allegations in paragraphs 1-36 as though fully set forth herein.
- 38. By enforcing the ADM statute with respect to interstate telephone calls to residents of Indiana for political purpose, Defendants will unlawfully and substantially deprive

Plaintiff, and the organizations on whose behalf it makes calls, of free speech rights secured by the First Amendment to the United States Constitution. Statistical analysis shows that Plaintiff's interactive voice response system is one of the most effective means of communicating political messages and, if Defendants are successful in banning the use of that system, then Plaintiffs. Plaintiff's clients, and the citizens of Indiana will all suffer from an infringement of their free speech rights.

**39**. Plaintiff has no adequate remedy at law.

#### **COUNT Y**

#### (42 U.S.C. § 1983)

- 40. Plaintiff repeats, re-alleges and incorporates the allegations in paragraphs 1-39 as though fully set forth herein.
- By enforcing the ADM statute with respect to interstate telephone calls to 41. residents of Indiana for political purpose, Defendants will unlawfully and substantially deprive Plaintiff of rights secured by the Supremacy Clause and the Commerce Clause of the United States Constitution and the First Amendment to the United States Constitution.
- 42. Defendants are "persons" under 42 U.S.C. § 1983 who have acted under color of state law to deprive Plaintiff of rights secured by the United States Constitution.
  - 43. Plaintiff has no adequate remedy at law,

#### PRAYER FOR RELIEF

#### WHEREFORE, Plaintiff prays that this Court:

- 1. enter a judgment declaring that, insofar as it applies to interstate telephone calls to residents of Indiana for political purposes, the ADM statute is preempted by the Federal Communications Act of 1934, and is null and void;
- enter a judgment declaring that, insofar as it applies to interstate telephone calls to
  residents of Indiana for political purposes, the ADM statute violates the dormant Commerce
  Clause, and is null and void;
- 3. enter a judgment declaring that, insofar as it applies to interstate telephone calls to residents of Indiana for political purposes, the ADM statute violates the First Amendment and the Indiana Free Speech Clause, and is null and void;
- 4. enter a judgment declaring that, insofar as it applies to interstate telephone calls to residents of Indiana for political purposes, the ADM statute violates 42 U.S.C. § 1983, and is null and void;
- 5. enter a permanent injunction enjoining Defendants and their agents from taking any action under or to enforce or implement the ADM statute with respect to interstate communications; and
- 6. award plaintiff reasonable attorneys' fees and costs; and grant plaintiff such additional or different relief as it deems just and proper.

Vensble LLP

Document 1

575 Seventh Street, NW Washington, DC 20004 ecividanes@venable.com

Tel.: (202) 344-4414 Fax: (202) 344-8300

John R. Maley Paul L. Jefferson BARNES & THORNBURG LLP 11 South Meridian Street Indianapolis, Indiana 46204 Telephone: (317) 236-1313 Facsimile: (317) 231-7433

E-mail: jmaley@btlaw.com paul.jefferson@btlaw.com

Attorneys for Plaintiff

90442407

## **Exhibit M**

## Form 8871

## Political Organization Notice of Section 527 Status

OMB No. 1545-1693

at of the Treatury **General Information** Employer identification number 1 Name of organization **Majority** Action 35 - 2258122 2 Mailing address (P.O. box or number, street, and room or sales number) 2207 Valley Circle City or town, state, and ZIP code Alexandria, VA 22302 3 Check applicable hex: __ Amended notice __ Final notice ✓ Initial notice de Date established 4b Date of material change M97/12/2005 -5 E-mail address of organization Sa Name of custodian of records 6b Custodian's address **SMark Longsbengh** 2207 Valley Circle Alexandria, VA 22302 ব Offn Name of contact person 7b Contact person's address **Hark Longobough** 2207 Valley Circle Alexandria, VA 22302 8 Business address of organization (if different from mailing address shown above). Number, street, and room or suite usember **3207 Valley Circle** City or town, state, and ZIP code Alexandria, VA 22302 In Election authority 9b Election authority identification number NONE Notification of Claim of Exemption From Filing Certain Forms (see instructions) 10a Is this organization claiming examption from filing Form \$272, Political Organization Report of Contributions and Expenditures, as a qualified state or local political organization? Yes _ No 🗸 106 If 'Yes,' list the state where the organization files reports: 11 is this organization claiming exemption from filing Form 990 (or 990-EZ), Return of Organization Exempt from Income Tex, as a concus or associations of state or local efficials? Yes ... No ∠

Part III Purpose

12 Describe the purpose of the organisation

To aducate the public on political issues of national importance and to conduct other activities consistent with the status as a political organization under 26 USC 527.

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## **Exhibit N**

Published on Majority Action (http://majorityaction.net)

## Majority Action Launches Television Ads to Educate Public About Disastrous Record of House Republicans

By NGP Admin Created 2006-09-07 09:01

Independent Political Group shines spotlight on records of Rep. James Walsh and Rep. Deborah Pryce; First to Use Text Messaging as Political Communication in Ad

Washington, D.C. - Majority Action today launched two television ads, one criticizing Rep. James Walsh (NY-25) for his open-ended support for President Bush's war in Iraq, and one criticizing Deborah Pryce (OH-15) for her record on congressional travel and votes to weaken ethics rules in the House. These ads are the first in a national series of ads that will spotlight the disastrous record of House Republicans.

Majority Action is an independent organization focused on exposing the record of the current Republican Congress and on promoting a progressive Democratic agenda in the U.S. House of Representatives.

"Republicans in Congress have failed this country," said Majority Action executive director Mark Longabaugh. "They have failed us by supporting Bush's open-ended policy in Iraq, they have failed to clean up a scandal plagued House leadership, and they have failed to accomplishs anything of significance in this Congress to move our economy forward. James Walsh and Deborah Pryce reflect this failure and that is why we have spotlighted their records."

"These are only two examples of a Republican Congress that is out of touch with the values and the interests of the American family," added Majority Action leadership circle member Joe Andrew. "We plan to continue to aggressively shine a spotlight on the failed record of Congressional members.

One ad focuses on Congresswoman Pryce's special interest funded travel and votes to end the investigation into Jack Abramoff. The Ad "Trips" will run in the Columbus media market in Ohio for one week. The second ad focuses on Congressman Walsh's continued support of President Bush's failed "stay the course" Iraq policy. "Iraq" will run in the Syracuse media market in New York for two weeks.

Majority Action intends to shine the spotlight on Republican members of Congress using traditional communications efforts, like television advertising, and new, emerging technologies, like text messaging. In these ads, the first to use text messaging, people can text the word "IRAQ" to 35328 for more information on their mobile phones in the Walsh ad and text the word "TRIPS" to the short code 35328 on their mobile phones in the Pryce ad.

Both ads can be viewed on MajorityAction.net and on YouTube.com [1].

Majority Action is led by veteran Democratic campaign operatives and has a leadership board that consists of prominent political figures, including several former Members of Congress, two former Democratic National Committee Chairmen and two former DCCC Chairmen.

Source URL:

http://majorityaction.net/node/9

Links:

[1] http://www.youtube.com/user/MajorityAction

## **Exhibit O**



#### **Democrats Form New 527 to Win Back House**

June 5, 2006 By Josh Kurtz, Roll Call Staff

With the Republican National Committee poised to dump tens of millions of dollars into key House races this year, Democratic operatives and party leaders on Friday launched a new 527 fundraising committee to help the party win control of the House in November.

The leaders of the new 527 group, called Majority Action, are working in tandem with a two-month-old Senate-oriented 527, Fresh Start America. The groups' founders are scheduled to meet with potential donors on the West Coast later this month and will also travel to New York for a fundralser hosted by Leo Hindery, a media mogul and major Democratic financial angel.

Mark Longabaugh, the executive director of Majority Action, said the new 527 aiready has received financial commitments from Democratic-oriented interest groups such as the Association of Trial Lawyers of America. The group's launch comes amid House Democratic worries that the Democratic National Committee will not be able to do enough financially this cycle to augment the work of the Democratic Congressional Campaign Committee.

The new group intends to target "eight to 12 to 15" vulnerable House Republicans this fall, primarily through TV and radio ads, Longabaugh said.

Like Fresh Start America, which was founded by top Democratic strategists Mike Gehrke, Jim Jordan and Nick Baidick, Majority Action will be run by a seasoned team of Democratic operatives and boasts several big-name party leaders as advisers.

Longabaugh was the political director for the League of Conservation Voters in the 2004 political cycle and is currently filling a similar role, as a consultant, for the group Defenders of Wildlife. A veteran of several presidential and Congressional campaigns, he unsuccessfully challenged Rep. Steve Chabot (R-Ohio) in 1996.

The Majority Action staff also includes Donnie Fowier, son of former DNC Chairman Don Fowier and an innovator in party efforts to use technology to make electoral gains, and Amanda Crumley, who has worked on three presidential campaigns and served as communications director to Iowa Gov. Tom Vilsack (D), a possible 2008 presidential candidate.

Fowler and Crumley are partners in a California-based consulting firm.

The group's leadership board includes two former DCCC chairmen, former Reps. Tony Coelho (D-Calif.) and Martin Frost (D-Texas); ex-Reps. Buddy Darden (D-Ga.), Tom Downey (D-N.Y.), Cleo Fields (D-La.), Liz Patterson (D-S.C.) and Lynn Schenk (D-Calif.); the elder Fowler and fellow former DNC Chairman Joe Andrew; and Harold Ickes, the consigliere to Sen. Hillary Rodham Clinton (D-N.Y.).

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## **Exhibit P**

## washingtonpost.com New Group Is Racing To Slow Down GOP

By Chris Cillizza
Thursday, September 7, 2006; A10

A new independent political organization made up of former Democratic members of Congress and high-level party operatives has begun running television ads targeting two Republican incumbents.

The group, Majority Action, is sponsoring commercials that hit Reps. Deborah Pryce (Ohio) and James T. Walsh (N.Y.) on corruption and the war in Iraq, respectively.

"The course set by President Bush and Congress isn't working," says a narrator in one of the ads. "But Congressman Walsh wants to give us more of the same."

The goal of Majority Action, according to co-chairman Joe Andrew, is to level the financial playing field in Republican-held seats where a potential national wave could wipe out a number of incumbents not considered top targets at the moment.

"Poll after poll [show] that the only thing standing between Democrats being able to win the House back is Republicans being better able to execute their campaigns," Andrew said.

Andrew and Don Fowler -- both former Democratic National Committee chairmen -- anchor the group's leadership circle, which includes a panoply of former lawmakers, including past Democratic Congressional Campaign Committee chairmen Tony Coelho (Calif.) and Martin Frost (Tex.).

While he shied away from specifics, Andrew said Majority Action had a "seven-figure" budget -- between \$8 million and \$10 million, an informed source said -- and was spending in the "six figures" in individual House districts.

The group is registered as a 527 (so named for its place in the tax code) with the Internal Revenue Service and had raised \$210,000 as of June 30. Ads in two additional districts are expected to launch shortly.

Majority Action's founders have insisted the organization will succeed where other outside groups -- which can accept contributions of unlimited size -- targeting House and Senate races have failed because of the high-profile figures aligned with the effort and the amount of attention being paid to the fight for control of this cycle.

Presidential Run for Armey?

Other former shakers on Capitol Hill likewise seem to be in the mood, if not to resume shaking, to at least jiggle a little.

Witness former House majority leader Richard K. Armey (R-Tex.) who retired from the House in 2002 and has spent his time since heading up Freedom Works -- a group that advocates shrinking government and lowering taxes.

Armey is now headed to Iowa for a speech on Sept. 19, stoking speculation that he may fancy himself a candidate for president in 2008. Although Armey told ABC News that he has "no interest in Dick Armey for president," he left the door open — wide open.

Aides were quick to point out that the former leader is likely to visit the presidential proving grounds of New Hampshire and South Carolina later this year. An aide said Armey hopes to "keep the Reagan legacy alive in the presidential primary."

An Armey bid would have any number of hurdles, most importantly the weight of history. The previous former House member to be elected president was George H.W. Bush.

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### Exhibit Q

### Form **8872** November 2002)

# Political Organization Report of Contributions and Expenditures

OMB No. 1545-1894

> See separate instructions

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Reciplest's name, malling address and ZIP code Mark Longsburgh 2207 Volley Circle Alexandrin , VA 22302	Name of recipiont's employer Consultant Recipiontn's occupation Political Consulting	Amount of Expanditure \$ 10000 Date of expanditure 12/07/2005
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Recipient's name, malling address and ZIP code Creative Resources, Inc. 227 Measuriments Avenue, N.E. Washington, DC 20002	Name of recipiont's amployer N/A Recipionts's occupation N/A	Amount of Expenditure \$ 1,5000 Date of expenditure 10/05/2005
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Recipient's name, mailing address and ZIP code Burke & Herbert Bank & Trust Company P.O. Box 268 Alexandrin , VA 22313	Name of recipient's employer N/A Recipients's occupation N/A	Amount of Enpanditure \$ 54 Date of expanditure (7/27/2005
(i) Purpose of expenditure		
29044240		

### Form **8872** Provember 2002)

### Political Organization Report of Contributions and Expenditures

▶ See separate instructions.

OMB No. 1545-1605

Check applicable box: 🔟 Initial report _	Change of address	Amended report	Final report
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injurity Action			35 - 2258   122
Mailing address (P.O. hax or number, street, and re 207 Valley Circle	om er aulte numbe	r)	
City or town, state, and ZIP code			
Alexandria, VA 22302			
E-mail address of organization:			4 Date organization was formed:
o <del>-Parrall</del>			07/12/2005
je. Name of custodian of records	···	56 Custodian's address	
Mark Longsbaugh		2207 Valley Circle	
•		Alexandria, VA 22302	
Se Name of contact person	<del></del>	6b Contact person's address	· · · · · · · · · · · · · · · · · · ·
Mark Longsbaugh		2207 Valley Circle	
		Alexandria, VA 22302	
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∠ Pint quarterly report		Monthly report for the mon	ith of:
(due by April 15)		(due by the 20th day follow	ring the month shown above, except the
Second quarterly report		December report, which is	
(due by July 15)			the 12th or 15th day before the election)
Third quarterly report		(1) Type of election:	
(dus by October 15)		(2) Date of election:	
Year-and report		(3) For the state of:	
(due by January 31)			t (dus by the 30th day after general election)
year only-duc by July 31)		(2) For the state of:	_
Mid-year report (Non-election year only-due by July 31)		(1) Date of election: (2) For the state of:	
9 Tetal amount of reported contributions (total from	he seniosed School	[ <b>[55 A]</b>	
10 Total amount of reported expenditures (total from	all attached Schools	des B)	
Under peneities of perjury, I deciare that I i	have examined this	report, including accompanying	ng achedules and statements, and to the best of my lun
Merk P. Longsbeugh	-		04/10/2006
Sign			
HOTO     Signature of authorized official			<b>y</b> Date

Remized Contributions

Schedule A

29044240770

Hemized Expenditures		Schedule
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07 Pourteenth Street, N.W.	Recipients's occupation	Date of expanditure
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lasipient's verse, melling address and ZIP code	Name of recipient's employer	Amount of Expenditure
terkins Cole	NA	\$ 1062
07 Pourteenth Street, N.W.	Recipionts's occupation	Date of expanditure
reshington, DC 20005	NA .	02/07/2006
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leciplent's same, mailing address and ZIP code	Name of recipient's employer	Amount of Expenditure
Terkins Cole	NA	\$ 410
07 Fourteeath Street, N.W.	Recipients's occupation	Date of expenditure
Vashington, DC 20005	NA	03/20/2006
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Form **8872** November 2002)

## Political Organization Report of Contributions and Expenditures

OMB No. 1545-1886

Reportment of the Treasury Internet Revenue Service Se

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Mailing address (P.O. box or number, street, a	
	and room or suite number)
207 Valley Circle	
City or town, state, and ZiP code	
Alexandria, VA 22302	
3 E-mail address of organizations	4 Date organization was formed;
no <b>C</b> emnii	07/12/2005
So Name of custodies of records	5b Castellan's address
Merts Longsbeugh	2307 Valley Circle
	Alexandria. VA 22302
	66 Contact person's address
So Name of contact person	
	2207 Valley Circle
Mark Longsbuugh  7 Business address of organization (if different fit 1207 Valley Circle  City or town, state, and ZIP code	•
Mark Longsbuugh  7 Business address of organization (if different fi 2207 Valley Cirols  City or town, state, and ZIP code  Alexandria, VA 22302	2207 Valley Circle Alexandria, VA 22302
Mark Longsbuugh  7 Business address of organization (if different fi 2207 Valley Cirols  City or town, state, and ZIP code  Alexandria, VA 22302	2207 Valley Circle Alexandria, VA 22302
Mark Longsbuugh  7 Business address of organization (if different fi 2207 Valley Circle City or town, state, and ZIP code Alexandria, VA 22302  6 Type of report (check only one box)	2207 Valley Circle Alexandria, VA 22302  From mailing address shown above). Number, street, and reem or suite number  Monthly report for the month of:
Mark Longsbuugh  7 Business address of organization (if different fi 2207 Valley Cirols  City or town, state, and ZIP code  Alexandria, VA 22302  First quarterly report (due by April 15)	2207 Valley Circle Alexandria, VA 22302  from mailing address shown above). Number, street, and reem or suite number  Monthly report for the month of: (due by the 20th day following the month shown above, except the
Mark Longsburgh  Plusiness address of organization (if different fit) 207 Valley Circle  City or town, state, and ZIP code  Alexandria, VA 22302  S Type of report (check only one bex)  — First quarterly report (due by April 15)  Z Second quarterly report	2207 Valley Citch Alexandria, VA 22302  from mailing address shown above). Number, street, and reem or suite number  — Monthly report for the month of: (due by the 20th day following the stooth shows above, except the December report, which is due by January 31)
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Mark Longsburgh  7 Business address of organization (if different fit 2207 Valley Cirole  City or town, state, and ZIP code  Alexandria, VA 22302  6 Type of report (check only one box)  — Pirst quarterly report (due by April 15)  ✓ Second quarterly report (due by July 15)  — Third quarterly report	2207 Valley Citch Alexandria, VA 22302  from mailing address shown above). Number, street, and reem or suite number  — Monthly report for the month of: (due by the 20th day following the snooth ahows above, except the December report, which is due by January 31)  — Pre-election report (due by the 12th or 15th day before the election) (1) Type of election:
Mark Longsburgh  7 Business address of organization (if different fit 2207 Valley Circle  City or town, state, and ZIP code  Alexandria, VA 22302  8 Type of report (check only one box)  — Pirst quarterly report (due by April 15)  Z Second quarterly report (due by July 15)  Third quarterly report (due by October 15)	2207 Valley Circle Alexandria, VA 22302  from mailing address shown above). Number, street, and reem or suite number  — Monthly report for the month of: (due by the 20th day following the snooth shows above, except the December report, which is due by January 31)  — Pre-election report (due by the 12th or 15th day before the election) (1) Type of election: (2) Date of election:
Mark Longsburgh  7 Business address of organization (if different fit 2007 Valley Circle  City or lown, state, and ZIP code  Alexandria, VA 22302  8 Type of report (check only one bex)  — Pirst quarterly report (due by April 15)  — Second quarterly report (due by July 15)  — Third quarterly report (due by October 15)  — Year-and seport	2207 Valley Circle Alexandria, VA 22302  Trem mailing address shown above). Number, street, and reem or suite number  — Monthly report for the month of: (due by the 20th day following the month shows above, except the December report, which is due by January 31) — Pre-election report (due by the 12th or 15th day before the election) (1) Type of election: (2) Dute of election: (3) For the state of:
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Contributor's name, mailing address and ZIP code American Federation of Teachers 355 New Jamey Avenue, N.W. Washington, DC 20001	Name of contributor's employer  ns Contributor's occupation  ns Aggregate contributions year-to-date \$ 50000	Amount of contribution \$ 50000 Date of contribution 05/18/2006
Contributor's name, melling address and ZIP code 1 199 SEIU 330 West 42nd Street New York, NY 10036 - 6407	Name of contributor's employer na Contributor's occupation na Aggregate contributions year-to-date \$ 100000	Amount of contribution \$ 100000 Date of contribution 06/28/2006
Contributor's name, mailing address and ZIP code BEW 100 Seventh Sevent, N.W. Washington, DC 2000 I	Name of contributor's employer on Contributor's occupation on Aggregate contributions year-to-date \$ 10000	Amount of contribution \$ 10000 Date of contribution 06/19/2006
Contributor's name, mailing address and ZIP code BBIU 1313 L Street, N.W. Washington, DC 20005 )	Name of contributor's employer  to  Contributor's occupation  nt  Aggregate contributions year-to-date \$ 50000	Amount of contribution \$ 50000 Date of contribution 06/30/2006

	Schedule
Name of recipient's employer as Recipients's occupation as	Amount of Exponditure \$ 126 Date of exponditure 04/04/2006
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f perjury, I cartify that this statement is true, correct and complete. In addition, if the ejectionsetting a reported herein were made by a corporation, I certify that the corporation is a qualified nonprofit contribution's regulations.

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# 4 HOUR NOTICE OF DISBURSEMENTS/OBLIGATIONS FOR LECTIONEERING COMMUNICATIONS

#### Individual, Organization or Qualified Monprofit Corporation Maldret the Disburgament/Obligations fas Name **MAJORITY ACTION** check if different then previously reported (b) Address (rumber and street) 2. FEC Identification Number 2207 VALLEY CIRCLE C **C30000000** (a) City, State and ZIP Code 22202 ALEXANDRIA **VA** (d) Name of Employer or Principal Place of Business (e) Occupation 44 de 2006 Ole This Statement 4. Covering Period freed **~**4 & 2008 0 Amended ব 06 ⊲a) Date of Public Distribution(s) 🔭 🥇 🤚 (b) Communication Title_seads 2008 Compared the Filer a Qualified Nonprofit Corporation under 11 CFR 114.10(c)? Yes $\square$ Were the disbursoments for the electioneering communication made exclusively Yes Ix No from donations to a segregated bank assount? Custodian of Records fa) Name Mort Longsbough (b) Address (sumber and street) 2207 Valley Circle (c) City. State and ZIP Code 22302 Almendia VA kdi Name of Employer or Principal Place of Business (e) Occupation **BELF EMPLOYED** CONBULTANT **Tatal Denetions This Statement** 647250.00 **Total Disbursements/Obligations This Statement** 12000.00 Under penalty of perjuly, I certify that this statement is true, correct and complate. In addition, if the electionsering non-reminentaries reported herein were stade by a corporation, I certly that the cooperation is a qualified respectit corporation under the Commission's regulations. TYPE OR PRINT NAME OF PERSON COMPLETING FORM Mark F. Langebrugh

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### **Exhibit R**

Published on Majority Action (http://majorityaction.net)

#### New Radio Ad Focuses on Congressman James Walsh Pro-Congressional Pay Raise, Anti-Minimum Wage Increase Votes

By NGP Admin Created 2006-09-20 18:00

Walsh Blatantly Misrepresents His Record on Radio Call-in Show

Washington, D.C. - Majority Action today launched a <u>new radio ad [0]</u> criticizing Congressman James Walsh (NY-25) for his record of supporting \$23,000 in Congressional pay raises while voting multiple times against increasing the minimum wage and making false claims during a radio call-in show.

During a call-in show on WXXI Walsh claimed that he "never" voted against increasing the minimum wage despite the fact that he did vote eight times against increasing the minimum wage. He also claimed that his pay raise was "automatic" when the Congressional Record is clear: he voted six times to raise his pay - a total of \$23,000.

"Congressman Walsh should explain why he voted for pay increases for himself of \$23,000 while voting against pay raises for working families," said Mark Longabaugh, Executive Director of Majority Action. "Majority Action intends to ensure that his constituents are well aware of Congressman Walsh's record: voting for a Congressional pay raise and against an increase of the minimum wage."

The radio ad is the third to focus on Walsh's pro-pay raise, anti-minimum wage increase voting record. The audio is available on MajorityAction.net as are the television and Internet ads. (Listen to the ad now [0] - mp3 format)

Majority Action is an independent organization focused on exposing the record of the current Republican Congress and on promoting a progressive Democratic agenda in the U.S. House of Representatives.

Majority Action is led by veteran Democratic activists and has a leadership board that consists of prominent political figures, including several former Members of Congress, two former Democratic National Committee Chairmen and two former DCCC Chairmen.

Source URL: http://majorityaction.net/node/13

# Exhibit S

Published on Majority Action (http://majorityaction.net)

## Welcome to the Spotlight Congressman Dave Reichert and Welcome Back Congressman James Walsh

By NGP Admin Created 2006-09-14 16:22

Majority Action Launches Two New Television Ads to Educate Public about House Republican's Disastrous Record

Washington, D.C. - Majority Action today launched two new television ads, one criticizing Congressman Dave Reichert (WA-8) for his open-ended support for President Bush's war in Iraq and failure to implement recommendations of the 9-11 Commission, and one criticizing Congressman James Walsh (NY-25) for taking campaign contributions from big oil and voting to give them tax breaks as well as his vote to raise his own pay while voting repeatedly against raising the minimum wage.

This is the second ad to run criticizing Walsh's record.

"Congressman Walsh is clearly not proud of his record and wants to keep it out of the spotlight," said Executive Director Mark Longabaugh. "Majority Action intends ensure that his constituents are well aware of Congressman Walsh's record: supporting Bush's failed strategy in Iraq, voting for tax breaks for big oil and voting for a Congressional pay raise and against an increase of the minimum wage."

"Republicans in Congress have failed this country," continued Longabaugh. "They have failed us by supporting Bush's open-ended policy in Iraq, they have failed us by not implementing the recommendations of the 9-11 Commission, they have failed us by giving big oil tax breaks and they have failed us by voting to raise Congressional pay and not the minimum wage. James Walsh and Dave Reichert reflect this failure and that is why we have spotlighted their records."

"These are only two examples of a Republican Congress that is out of touch with the values and the interests of the American family," added Majority Action leadership circle member Joe Andrew. "We plan to continue to aggressively shine a spotlight on the failed record of Congressional members.

Both ads can be viewed on MajorityAction.net and on YouTube.com.

Majority Action is an independent organization focused on exposing the record of the current Republican Congress and on promoting a progressive Democratic agenda in the U.S. House of Representatives.

Majority Action is led by veteran Democratic board that consists of prominent political figure Congress, two former Democratic National Chairmen.	ures, including several former Members of
Source URL: http://majorityaction.net/node/11	

Published on Majority Action (http://majorityaction.net)

#### Majority Action Launches Television Ads to Educate Public About Disastrous Record of House Republicans

By NGP Admin Created 2006-09-07 09:01

Independent Political Group shines spotlight on records of Rep. James Walsh and Rep. Deborah Pryce; First to Use Text Messaging as Political Communication in Ad

Washington, D.C. - Majority Action today launched two television ads, one criticizing Rep. James Walsh (NY-25) for his open-ended support for President Bush's war in Iraq, and one criticizing Deborah Pryce (OH-15) for her record on congressional travel and votes to weaken ethics rules in the House. These ads are the first in a national series of ads that will spotlight the disastrous record of House Republicans.

Majority Action is an independent organization focused on exposing the record of the current Republican Congress and on promoting a progressive Democratic agenda in the U.S. House of Representatives.

"Republicans in Congress have failed this country," said Majority Action executive director Mark Longabaugh. "They have failed us by supporting Bush's open-ended policy in Iraq, they have failed to clean up a scandal plagued House leadership, and they have failed to accomplishs anything of significance in this Congress to move our economy forward. James Walsh and Deborah Pryce reflect this failure and that is why we have spotlighted their records."

"These are only two examples of a Republican Congress that is out of touch with the values and the interests of the American family," added Majority Action leadership circle member Joe Andrew. "We plan to continue to aggressively shine a spotlight on the failed record of Congressional members.

One ad focuses on Congresswoman Pryce's special interest funded travel and votes to end the investigation into Jack Abramoff. The Ad "Trips" will run in the Columbus media market in Ohio for one week. The second ad focuses on Congressman Walsh's continued support of President Bush's failed "stay the course" Iraq policy. "Iraq" will run in the Syracuse media market in New York for two weeks.

Majority Action intends to shine the spotlight on Republican members of Congress using traditional communications efforts, like television advertising, and new, emerging technologies, like text messaging. In these ads, the first to use text messaging, people can text the word "IRAQ" to 35328 for more information on their mobile phones in the Walsh ad and text the word "TRIPS" to the short code 35328 on their mobile phones in the Pryce ad.

Both ads can be viewed on MajorityAction.net and on YouTube.com [1].

Majority Action is led by veteran Democratic campaign operatives and has a leadership board that consists of prominent political figures, including several former Members of Congress, two former Democratic National Committee Chairmen and two former DCCC Chairmen.

Source URL:

http://majorityaction.net/node/9

Links:

[1] http://www.youtube.com/user/MajorityAction

### **Exhibit T**

Published on Majority Action (http://majorityaction.net)

### Majority Action Spotlights Leadership Handling of Page-Gate

By NGP Admin Created 2006-10-06 08:34

Majority Action Launches Radio and Internet Ads Focused on Reps. Hastert, Reynolds and Pryce Inaction in the Rep. Foley Page-Gate Scandal

Washington, D.C. - Majority Action today turned a bright spotlight on three Republican Members of Congress who turned a blind eye to Rep. Foley's inappropriate relationships with boys who were House Pages.

Listen to the radio ads "Scandal" [0] and "The Buck Stops Here" [0]

"The behavior of former Congressman Mark Foley is reprehensible," said Donnie Fowler of Majority Action. "Majority Action wants the public to know that Rep. Hastert, Rep. Reynolds and Rep. Pryce failed to use their top leadership posts in the House to immediately protect children. Even worse, they took money from Foley."

The radio ads are airing in the Buffalo, Rochester and Washington, DC media markets.

The Internet ads can be seen on MajorityAction.net and on YouTube.com, the <u>radio ads</u> are also available on MajorityAction.net [0].

Reynolds: http://youtube.com/watch?v=hcehVWoHowE [1]

Pryce: <a href="http://www.youtube.com/watch?v=eSi9mel_loc">http://www.youtube.com/watch?v=eSi9mel_loc</a> [2]

Majority Action is an independent organization focused on exposing the record of the current Republican Congress and on promoting a progressive Democratic agenda in the U.S. House of Representatives.

Majority Action is led by veteran Democratic activists and has a leadership board that consists of prominent political figures, including several former Members of Congress, two former Democratic National Committee Chairmen and two former DCCC Chairmen.

#### Source URL:

http://majorityaction.net/node/16

#### Links:

- [1] http://youtube.com/watch?v=hcehVWoHowE
- [2] http://www.youtube.com/watch?v=eSj9mel lqc

### **Exhibit U**

Published on Majority Action (http://majorityaction.net)

### Majority Action Spotlights Records on Stem Cell Research

By NGP Admin Created 2006-10-09 23:22

Launches Powerful Ad Spotlighting Cong. Chocola, Drake, Sherwood and Walsh

Washington, D.C. - Majority Action today launched ads that turn a powerful spotlight on four Republican Members of Congress who voted against federal funding for stem cell research.

"Stem cell research offers great medical hope for patients and families suffering from devastating illnesses or injuries," said Mark Longabaugh, Executive Director of Majority Action. "This ad, in very powerful terms, lays out what is at stake in the stem cell debate. Majority Action wants the public to know that these four Members of Congress do not believe that doctors and scientists should be able to carry out critical research and do not support critical federal funding of stem cell research."

"Republicans have made choices that pick ideology over life-saving medical research. They have chosen interest group politics over the ability of science to give families more options when making decisions about their health care," continued Longabaugh.

The ads are airing in the Norfolk, South Bend, Syracuse, and Wilkes Barre-Scranton media markets. The ads can be seen on MajorityAction.net and on YouTube.com.

Chocola: Drake: Sherwood: Walsh:

Majority Action is an independent organization focused on exposing the record of the current Republican Congress and on promoting a progressive Democratic agenda in the U.S. House of Representatives.

Majority Action is led by veteran Democratic activists and has a leadership board that consists of prominent political figures, including several former Members of Congress, two former Democratic National Committee Chairmen and two former DCCC Chairmen.

Source URL:

http://majorityaction.net/stem cells